

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:15cr69 HTW-FKB

SAM WAGGONER

AGREED PRELIMINARY ORDER OF FORFEITURE

PURSUANT to a separate Plea Agreement and Plea Supplement between **SAM WAGGONER**, by and with the consent of his attorney, and the **UNITED STATES OF AMERICA** (hereinafter “the Government”), **SAM WAGGONER** agrees that the following findings are correct, and further agrees with the adjudications made herein. Accordingly, the Court finds as follows:

1. The defendant is fully aware of the consequences of having agreed to forfeit to the Government his interests in and to the hereinafter described property, having been apprised of such by his attorney and by this Court; and he has freely and voluntarily, with knowledge of the consequences, entered into a Plea Agreement and Plea Supplement with the Government to forfeit such property.
2. The defendant agrees that a **\$200,000.00 money judgment** constitutes or was derived from proceeds that the defendant obtained, directly or indirectly, as a result of the offense charged in the Information. Such property is, therefore, subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461.
3. The defendant has been apprised that Rule 32.2 of the Federal Rules of Criminal Procedure, and Section 982, Title 18, United States Code, require the Court to order the forfeiture of the **\$200,000.00 money judgment** at, and as a part of, the sentencing

proceeding. The defendant does hereby waive such requirement and the requirement that the forfeiture be made a part of the sentence as ordered by the Court in the document entitled, "Judgment in a Criminal Case." The defendant and his attorney further agree that the Court should enter this order immediately, and agree that the forfeiture ordered hereunder will be a part of the sentence of the Court regardless whether ordered at that proceeding and/or whether attached as a part of the said Judgment in a Criminal Case.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

- a. That the defendant shall forfeit to the United States,
a \$200,000.00 money judgment.
- b. The Court has determined, based on the defendant's Plea Agreement and Plea Supplement, that the following property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461, that the defendant had an interest in such property and that the Government has established the requisite nexus between such property and such offense:
a \$200,000.00 money judgment.
- c. The United States may conduct any discovery it considers necessary to identify, locate, or dispose of the property subject to forfeiture or substitute assets for such property.
- d. That any ancillary hearing is hereby dispensed with as the forfeiture provides for a money judgment. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Agreed Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing [or before sentencing if the defendant consents] and shall be made part of the sentence and included in the document entitled, "Judgment in a

Criminal Case”, and that this order, or an abstract thereof, shall be enrolled in all appropriate Judgment Rolls.

The Court shall retain jurisdiction to enforce this Order pursuant to Fed. R. Crim. P. 32.2(e), and to amend it as necessary to substitute property to satisfy the money judgment in whole or in part.

SO ORDERED AND ADJUDGED this, the 21st day of August, 2015.

Henry V. Wingate
UNITED STATES DISTRICT JUDGE

AGREED:

J. Scott Gilbert
J. Scott Gilbert
Assistant United States Attorney

Sam Waggoner
Sam Waggoner
Defendant

Nick Bain
Nick Bain
Attorney for Defendant